



City of Costa Mesa Council Agenda

TUESDAY, NOVEMBER 20, 2007

Allan Mansoor
Mayor

Linda Dixon
Council Member

Eric Bever
Mayor Pro Tem

Katrina Foley
Council Member

Wendy Leece
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Public Services Director
William Morris

City Clerk
Julie Folcik

Council Chambers, 77 Fair Drive
5:00 p.m. – Closed Session and 6:00 p.m. – Council Meeting

TIME LIMIT FOR CITY COUNCIL MEETINGS: Except by majority vote of the City Council to continue, meetings shall conclude at midnight. If there is unfinished business on the Agenda, those items will be continued to the next regularly scheduled City Council meeting, pursuant to Resolution No. 05-8.

Welcome to the City Council Meeting

Your attendance at this public meeting is valued and appreciated.

The following City codes, guidelines, and reminders are provided for your information:

1. In accordance with Costa Mesa Municipal Code, Sec. 2-64 (1): No person in the audience shall "engage in disorderly, disruptive, disturbing, delaying or boisterous conduct including but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which may disrupt the peace and good order of the Council proceedings."
2. All cell phones and pagers are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.
3. In accordance with City Council Policy 000-11, and among other requirements, any video submitted for display at a public meeting must have been previously reviewed by staff to verify appropriateness for general audiences. A copy of this policy is available at City Hall during normal office hours.

4. Please use the podiums on either side of the dais to speak to the City Council. Direct all verbal communications, requests, and/or questions to the Mayor.
5. Any written communications, pictures, etc., to be provided to the Council should be directed to the City Clerk. Any exhibits to be displayed on the overhead screen may be given to the appropriate staff member.

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 754-5225. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

CLOSED SESSION

5:00 p.m.

At the conclusion of the Public Comment, the City Council will recess to Conference Room 1B for Closed Session. Please note that if there are not any closed session items listed, City Council will convene at its regular meeting time of 6:00 p.m.

I ROLL CALL

- II PUBLIC COMMENTS** Members of the public are welcome to address the City Council only on those items listed on the Closed Session agenda. Each member of the public will be given three (3) minutes to speak.

III CLOSED SESSION:

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding employee organizations: the Costa Mesa Police Association (CMPA).
2. Public Employee Performance Evaluation for City Attorney and City Manager, pursuant to California Code Section 54957.

3. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: Richard Charles Astin, Jr. and Rosanna Locke v. City of Costa Mesa; Orange County Superior Court Case Number 06CC05755, pursuant to Government Code Section 54956.9(a).
4. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: John Bradford Burckle; Claudia Burckle v. City of Costa Mesa; Orange County Superior Court Case Number 06CC10908, pursuant to Government Code Section 54956.9(a).

RECESS TO STUDY SESSION:

The Council will recess to and convene an Agenda Review Study Session beginning at 5:30 p.m. in Conference Room 1-A of City Hall. The public is welcome to attend and offer comment.

Pursuant to Resolution No. 05-8, each member of the public will be given an opportunity to speak for one (1) minute on Study Session agenda items. A maximum overall time of ten (10) minutes will be permitted for public comment. Note that no action may be taken by the City Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING

**REGULAR CITY COUNCIL AGENDA
6:00 p.m.**

PLEDGE OF ALLEGIANCE Council Member Katrina Foley

**MOMENT OF SOLEMN
EXPRESSION** Sr. Pastor Rod Randall, Harbor Trinity Church

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The Council disclaims any intent to endorse or sponsor the views of any speaker. Interested presenters, please contact the City Clerk's office.]

ROLL CALL

CLOSED SESSION REPORT

PRESENTATIONS

Academic Achievement – Sonora Elementary School

Employee of the Month – William J. Morris, Public Services

Mayor's Award – Ronnie Guyer, Field Representative for
Assemblyman Van Tran

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS (Optional) ON THE SPEAKER FORM(S) AND PRESENT TO THE CITY CLERK PRIOR TO THE ITEM.

PLEASE NOTE:

- **YELLOW FORM IS FOR PUBLIC COMMENTS – TOPICS NOT ON THE AGENDA.**
- **GREEN FORM IS FOR AGENDA ITEMS. PLEASE FILL OUT FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.**

IV **PUBLIC COMMENTS:** To ensure fair and equal treatment of all who appear before the City Council and to expedite City business, speakers will be limited to three (3) minutes each to address any item within the City Council's jurisdiction and which is not listed on the Agenda. The three (3) minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members. Questions and comments made by public speakers may be addressed by Council during Council Comments.

V **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

1. Council Member Katrina Foley
2. Council Member Linda Dixon
3. Mayor Pro Tem Eric Bever
4. Council Member Wendy Leece
5. Mayor Allan Mansoor

VI **CONSENT CALENDAR:** All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Mayor, state their name, city in which they reside, and item number to be addressed.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 16.

CONSENT CALENDAR—continued

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of November 6, 2007.

Recommendation: Approve

Warrants

3. Warrant Resolution 2187, funding Payroll No. 722 for \$2,505,596.69 and Payroll No. 721A for \$3,391.99, and City operating expenses for \$657,450.87 including payroll deductions.

Recommendation: Approve; authorize Mayor and City Clerk to sign

4. Warrant Resolution 2188, funding City operating expenses for \$1,275,252.26.

Recommendation: Approve; authorize Mayor and City Clerk to sign

Administrative Actions

5. [Transfer of Orange County Flood Control District \(OCFCD\) Easement Deed to State of California Department of Transportation \(Caltrans\), for the transfer of easement over the Gisler Channel, within the Susan Street Off-Ramp Right-of-Way.](#)

Recommendation: Approve; authorize the City Manager and/or City Attorney to make minor revisions based on final discussions with Caltrans; authorize the Mayor and City Clerk to sign and direct City Clerk to record deed

Administrative Actions

6. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of Superior Avenue from Southerly City Limits to 17th Street, Federal Project No. STPL-5312 \(064\), City Project No. 07-12, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$936,429.55.](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign

7. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of West 19th Street from Placentia Avenue to Parkcrest Avenue, Federal Project No. STPL-5312 \(052\), City Project No. 07-13, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$1,229,900.](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign

8. [Adopt plans and specifications, and working details for Harbor Boulevard/I-405 Improvement Project \(from 0.25 km South of the I-405 Overcrossing to 0.30 km North of the I-405 overcrossing\), City Project No. 07-22, and award construction contract to Beador Construction Company, Inc., 26320 Lester Circle, Corona, in the amount of \\$3,480,300.00.](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign

- (a) Approve Budget Adjustment No. 08-015 in the amount of \$2,030,933.00.

Recommendation: Approve; authorize the Mayor to sign

9. [Adopt plans and specifications, and working details for construction of tot lot, restroom, and picnic shelters at TeWinkle Park, 885 Junipero Drive, Costa Mesa, City Project No. 07-28, and award construction contract to Micon Construction, Inc., 1616 Sierra Madre Circle, Placentia, in the amount of \\$1,028,100.50 \(Base bid plus Additive Bid Item No. AD-4\).](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign

Administrative Actions

10. [Completion of East 17th Street/Raymond Avenue Flashing Crosswalk, Federal Project No. STPLH-5312 \(067\), City Project No. 06-02, by OAK Engineering, Inc., 1305 West Second Street, Pomona.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond six (6) months thereafter

11. [Completion of Citywide Annual Parkway Concrete Repair Project, City Project No. 06-22, by J. RDMMAC, Inc., 14221 Whispering Sands Drive, Victorville.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

12. [Completion of Installation of Lighting System at Bark Park and Arlington Drive Parking Lot, 900 Arlington Drive, City Project No. 07-18, by D & J Foothill Electrical Contractors, Inc., 2451 First Street, La Verne.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

13. [Completion of Concrete Replacement at Estancia Park and Gisler Park, City Project No. 07-19, by G2 Construction, Inc., 13331 Garden Grove Boulevard, Suite H, Garden Grove.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

Administrative Actions

14. [Accept Fireman's Fund Insurance Company grant funds, in the amount of \\$8,615, for the purchase of one \(1\) smoke ejector, two \(2\) lighting systems, two \(2\) rotary saws, and training software.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 08-020 for \$8,615.

Recommendation: Approve; authorize the Mayor to sign

15. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATIONS SUBMITTED FOR THE CONSIDERATION OF BICYCLE TRANSPORTATION ACCOUNT FUNDING AND COMMITTING CITY MATCHING FUNDS.](#)

Recommendation: Adopt resolution

16. [Salary adjustments for classifications represented by the Costa Mesa City Employees Association \(CMCEA\).](#)

- (a) Amended Memorandum of Understanding (MOU) with the Costa Mesa City Employees Association (CMCEA) through August 31, 2009.

Recommendation: Approve

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION PURSUANT TO THE 2004-2009 MOU.

Recommendation: Adopt resolution

- (c) Budget Adjustment No. 08-023 for \$1,283,778.

Recommendation: Approve; authorize the Mayor to sign

-----END OF CONSENT CALENDAR-----

1. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 8-87 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SOLID WASTE FRANCHISE FEES, to redefine the classes of waste hauler franchises and to set penalties for delinquent or non-payment of franchise fees.](#)

Recommendation: Introduce ordinance for first reading, read by title only, and waive further reading

2. [PUBLIC HEARING: RESOLUTION OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-07-04 TO AMEND THE GENERAL PLAN LAND USE ELEMENT AND LAND USE MAP TO REMOVE WEST SANTA ANA HEIGHTS FROM THE CITY OF COSTA MESA'S SPHERE OF INFLUENCE. Environmental Determination: Negative Declaration. The Environmental Document was previously prepared by the City of Newport Beach.](#)

Recommendation: Adopt resolution

3. [PUBLIC HEARING: The Wyndham Boutique Hotel / High-Rise Residential Project \(GP-06-03/SP-07-01/PA-06-75/VT-17172\) located at 3350 Avenue of the Arts in the PDR-HD \(Planned Development Residential – High Density\) zone. The proposed project requires the following discretionary actions:](#)

[CLICK HERE FOR ATTACHMENTS](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO CERTIFY FINAL ENVIRONMENTAL IMPACT REPORT NO. 1054 FOR THE WYNDHAM BOUTIQUE HOTEL/HIGH-RISE RESIDENTIAL PROJECT AT 3350 AVENUE OF THE ARTS.

Recommendation: Adopt resolution

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE PROPOSED WYNDHAM BOUTIQUE HOTEL / HIGH-RISE RESIDENTIAL PROJECT (INCLUDING GENERAL PLAN AMENDMENT GP-06-03 AND SPECIFIC PLAN AMENDMENT SP-07-01) ARE INCONSISTENT WITH THE 2002 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN.

A four-fifths vote of the Council is required.

Recommendation: Adopt resolution

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO ADOPT GENERAL PLAN AMENDMENT GP-06-03 FOR THE WYNDHAM BOUTIQUE HOTEL/HIGH-RISE RESIDENTIAL PROJECT AT 3350 AVENUE OF THE ARTS.

Recommendation: Adopt resolution

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO ADOPT NORTH COSTA MESA SPECIFIC PLAN AMENDMENT SP-07-01 FOR THE WYNDHAM BOUTIQUE HOTEL/HIGH-RISE RESIDENTIAL PROJECT AT 3350 AVENUE OF THE ARTS.

Recommendation: Adopt resolution

- (e) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO APPROVE FINAL MASTER PLAN PA-06-75 AND VESTING TENTATIVE TRACT MAP VT-17172 FOR THE WYNDHAM BOUTIQUE HOTEL/HIGH-RISE RESIDENTIAL PROJECT AT 3350 AVENUE OF THE ARTS.

Recommendation: Adopt resolution

VIII OLD BUSINESS

1. [From the meeting of November 6, 2007, Prioritization of current City projects.](#)

Recommendation: Provide direction

2. [Citywide Alley Improvements – Priority List.](#)

Recommendation: Approve

3. ~~Request for rehearing by Mayor Pro Tem Bever of the determination from the meeting of November 6, 2007, regarding Professional Services Agreement with RJM Design Group, Inc., 31591 Camino Capistrano, San Juan Capistrano, for “Phase I” planning and conceptual design services of a permanent skate park at Lions Park, in an amount not to exceed \$69,325.~~

Recommendation: Withdrawn

IX NEW BUSINESS

1. [Request made by Angels Charity to name the new playground and its surrounding park amenities at TeWinkle Park “Angels Playground.”](#)

Recommendation: Approve the Parks and Recreation Commission’s recommendation

2. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER I OF TITLE 19 OF THE COSTA MESA MUNICIPAL CODE RELATING TO STATE-ISSUED FRANCHISES AND THE PUBLIC, EDUCATIONAL AND GOVERNMENTAL CHANNEL ACCESS FACILITY FEE.](#)

Recommendation: Introduce ordinance for first reading, read by title only, and waive further reading

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting December 4, 2007.